

# News Release



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## **Labor Department Obtains Judgment Appointing Independent Fiduciary of Abandoned Westerville, Ohio 401(k) Plan**

**CINCINNATI**--The U.S. Department of Labor obtained a court order appointing McDonald Investments, Inc., as the independent fiduciary to manage the Heritage Financial Network, Inc., 401(k) plan of Westerville, Ohio, after the plan was left without a plan fiduciary.

"The department ensures that worker pension benefits are protected. After the investigation by the department's Employee Benefits Security Administration, legal action was needed to ensure the plan participants receive the benefits promised by this company," said Joseph Menez, director of the department's Cincinnati regional office of the Employee Benefits Security Administration (EBSA), which investigated the case.

The judgment, entered on Sept. 11, 2003, also removes the company and trustee Dale Francis from their positions with the plan. McDonald Investments, located in Birmingham, Mich., will have authority to terminate the plans and distribute the assets to eligible participants.

The department filed a lawsuit simultaneously with the judgment, alleging that Heritage Financial had not appointed a successor trustee when Francis abandoned the plan, with the result that participants and beneficiaries have been unable to obtain distributions from their accounts.

Francis is the former president and sole owner of Heritage Financial. An involuntary Chapter 7 bankruptcy petition was filed against Heritage Financial on August 23, 2000, and the bankruptcy court in Columbus, Ohio, approved it on November 3, 2000. The company has ceased operations. As of April 9, 2003, the 401(k) plan had seven participants and \$37,931.84 in assets.

Employers and workers can contact the district office at (859) 578-4680 or EBSA's toll free number, **1-866-444-3272**, for help with problems relating to private-sector pension and health plans.

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(Chao v. Heritage Financial Network, Inc.)  
Civil Action No. C2-03-791